

VIRGINIA SAFETY AND HEALTH CODES BOARD
Minutes of Meeting
April 11, 2002

BOARD MEMBERS/ALTERNATES PRESENT

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| Anna E. Jolly | - | Labor Representative Knowledgeable in Toxic Substances |
| Bobby J. Sasser | - | Representative for Industrial Employees |
| Linwood Saunders | - | Chairman, Representative for Labor in the Manufacturing Industry |
| Don L. Bauman, Jr. | - | Labor Representative, Boiler and Pressure Vessel Industry |
| Thomas A. Jackson | - | Vice Chairman, Representative Insurance Company |
| Richard F. Schneider | - | Secretary, Representative from Construction Industry Employers |
| Khizar Wasti | - | Virginia Department of Health |
| Brian F. Melchor | - | Representative from Labor in the Construction Industry |
| Roger L. Burkhart | - | Employer Representative of the Boiler and Pressure Vessel Industry |
| Jim W. Saunders | - | Representative for Agricultural Employers |
| Mr. Charles L. "Chuck" Stiff | - | Representative for the General Public |
| Mr. Richard W. "Rick" Anderson | - | Department of Environmental Quality |

STAFF MEMBERS PRESENT

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| C. Ray Davenport | - | Commissioner, Department of Labor and Industry |
| Dr. Clarence H. Wheeling | - | Director, Occupational Health Compliance |
| W. Glenn Cox | - | Director, VOSH Programs |
| Fred Barton | - | Director, Boiler Safety Compliance |
| Diane Duell | - | Litigation Supervisor |
| Robert Feild | - | Senior Staff Attorney |
| John Crisanti | - | Policy Analyst Senior |
| Bonnie R. Hopkins | - | Administrative Staff Specialist Sr. |
| Regina P. Cobb | - | Agency Management Analyst Senior |
| Jacqueline McMillian | - | Agency Management Analyst |

ATTENDEES INDICATING PRESENCE ACCORDING TO SIGN-IN SHEET

Beverly Crandell	-	Federal OSHA, Region III
Cotton Sizemore	-	Virginia State Building Trades
Gene Fornash, Jr.	-	Landin, Inc. Loss Control Representative
Mark Anderson	-	Anderson Boiler
John D. Fulton	-	E. McLaughlin & Sons, Inc.
Joseph Burkhart		

MEETING

Chairman Saunders called the meeting to order at 10:00 a.m. in the State Corporation Commission building, Court Room B, Richmond, Virginia. The first order of business was approval of the agenda. The second order of business was to review the minutes of the October 18, 2001 meeting. A correction was made on page four of the condensed minutes. The phrase attributed to Dr. Wheeling, “and multiple business establishments” was stricken.

The minutes as amended were approved.

Chairman Saunders asked for speakers from the public to come forward to address the Board. There were none.

John Crisanti

Mr. Crisanti noted changes to the Board. Mr. Charles L. “Chuck” Stiff has been added to the Board. Mr. Richard Schneider has been re-appointed full term to the Board. Mr. Rick Anderson of the Department of Environmental Quality is also now sitting on the Board, representing Mr. Robert G. Burnley.

OLD BUSINESS

Chairman Saunders directed the meeting to old business which involved Fall Protection in the Steel Erection Industry.

Bonnie Hopkins

Bonnie Hopkins, Regulatory Coordinator for the Department of Labor and Industry, spoke about the regulatory amendment process for fall protection in the steel erection industry. She noted that this process began with a “Notice Of Intended Regulatory Action, published in the Virginia Register on October 22, 2001. This allows for a 30 day comment period. The amendment was then approved by the Office of Planning and Budget on March 20, 2002. The current status is that it must next be approved at the Secretary of Commerce and Trade Office. After that, it goes to the Governor’s Office for approval. Following that step, the amendment is posted for the public during a period of 30 days with an invitation for public comment. Ms. Jolly asked to be reminded of the current status, and Ms. Hopkins replied that it was just approved by Planning and Budget and will go next to the Secretary of Trade.

NEW BUSINESS

Chairman Saunders then directed the meeting to new business. The first item of new business on the agenda was Proposed Amendments to the Boiler and Pressure Vessel Rules and Regulations.

Mr. Fred Barton

Mr. Fred Barton, Director of Boiler Safety Compliance, stated that the purpose of the Boiler amendments is to, (1) eliminate hotspots with the recently enacted statute § 40.1-51.19 concerning hobby boilers; (2) allow certificate fees to be paid by credit card; (3) adopt current Part CW provisions of CSD-1-1998, and (4) update references to National Fire Protection Association (NFPA) codes, American Society of Mechanical Engineers (ASME) codes, and National Board codes.

Mr. Barton went on to state that these amendments will bring regulations into conformity with statutory changes for hobby boilers. They will also adopt national standard provisions for two low-water fuel cutoffs on low-pressure boilers (presently required for high-pressure boilers), and manual resets on all boilers. The latest technological safety advances will be required in order to reduce exposure to unsafe equipment and boilers explosions. These will be phased in with new boiler installations. In answer to Chairman Saunders, Mr. Barton said no, that the installation of new boilers is not required. Instead, every time a new boiler is installed, it will include the new safety features, such as manual reset, shut down and lock out, etc., as required by the amendments. Mr. Barton asserted that some education for boiler consumers will be needed as well.

Mr. Roger Burkhart proposed going farther with CSD-1 if the State will include it, regarding pressure controls. He feels that it simplifies that which is required by the amendment, and that it should therefore replace the more scattered standards already existing.

Mr. Sasser asked Mr. Barton about the safety features that included shut down, shut down and lock out, manual reset. He confirmed with Mr. Barton that they are three different things.

Ms. Jolly noted that what the Board was doing today is approving Mr. Barton's document for comment from the public. Mr. Barton nodded in agreement, and asserted that the Department of Labor and Industry recommended that amendments be adopted to the boiler and pressure vessel rules and regulations.

Chairman Saunders asked for a motion from the Board to approve Mr. Barton's document for public comment. Mr. Schneider made the motion, and Mr. Burkhart seconded it. The motion was carried.

Chairman Saunders asked for the next item of New Business on the agenda.

16 VAC 25-10-10 et seq., PUBLIC PARTICIPATION GUIDELINES

Bonnie Hopkins

Ms. Hopkins stepped up to make a presentation on the Public Participation Guideline. Period review of this guideline is required by the Code of Virginia. The guideline pertains to how the public has access to the regulatory process. The review began on April 23, 2001. The results of the review are that (1) this regulation needs to be amended with redundant or repealed language removed, and (2) methods of distributing public information must be expanded.

The current status is that the Department will publish the proposed amendment and conduct a comment period. The plan is to have electronic notification by use of e-mail lists; posting on the Regulatory Web Site and the DOLI Web Site as well as Town Hall Publication of the proposed regulation and the final regulation.

The steps that Ms. Hopkins asserts will be taken are as follows:

- Filing with the Department of Planning and Budget;
- Filing with the Secretary of Commerce and Trade's Office;
- Filing with the Governor's Office
- Posting for public comment

Chairman Saunders asks for a motion from the Board to amend the Public Participation regulation. The motion was made, seconded and carried.

Chairman Saunders then took a moment to introduce the new Commissioner of the Department of Labor and Industry, Mr. C. Ray Davenport who stood up to make a few remarks. He thanked the Board for their time and expertise, and asserted how happy he was to serve the Department as Commissioner.

John Crisanti

Mr. Crisanti had a few remarks to make to the Board about submitting their parking receipts and encouraging them to attend the VOSH conference.

Chairman Saunders then asked if there were any items of interest from the Board. There were none. He therefore asked for a motion to adjourn. The motion was made, seconded and carried.

The Board meeting adjourned at approximately 10:30 a.m.